

**From:** alexandw@tklaw.com@inetgw  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

The settlement is a good for everyone except those seeking to obtain more benefit for themselves than for consumers at large.

Since you are asking for opinions, I believe Microsoft is largely a victim of overzealous prosecution and a biased trial Judge. The only ones hurt by the settlement are the few state attorney generals who have not settled for personal reasons (political gain) and Microsoft's competitors who, incidentally, conduct themselves the same as Microsoft.

The Appeals Court should have given Microsoft a new trial. As a citizen the whole case shocked and troubled me. If I owned or operated a company and was accused of wrongdoing, I would expect, at a minimum, a fair and impartial trial and opportunity to prepare my case. Microsoft was given less than 6 months to prepare for trial, limited in its witnesses (although the trial judge said he would "consider" any reasonable request) and was the victim of some seriously questionable evidentiary and procedural rulings at trial. Even car accident defendants get a more equitable trial and more opportunity to prepare in a state court action than Microsoft received in this Federal Court action involving billions of dollars and thousands of people. Why the trial Judge was biased against Microsoft will forever be a mystery but from his statements in and out of court the bias was obvious.

Any wrongdoings (if any) by Microsoft are adequately addressed by settlement.

The country and its consumers will benefit from this settlement. I urge the parties and the court to pursue settlement of the remaining claims on similar terms.